IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8043 of 2005

Between:

Garden Towers Owners' Society, Having its Registered Office at # 10-5-24, Masab Tank, Hyderabad-28 Rep,. by its General Secretary, M.A. Hakeem.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, Tank Bund, Hyderabad, Rep. by its Commissioner.
2 Chief City Planner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
3 Hyderabad Developers Private Limited, Opposite to Police Officers' Mess, Masab Tank, Hyderabad, Rep. by its Managing Director Syed Ali Akber.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate writ or direction in the nature of a writ, declaring the inaction of respondents 1 and 2 as being violative of Article 14 and 21 of the Constitution of India, direct the respondents 1 and 2 to take all statutory measures to remove the illegal and unauthorized structures in the Apartment Building called "Garden Towers" consisting of CANNA, MAHARA & ROSE Blocks, bearing Mun. NO. 10-5-24/A, 10-5-24/B, 10-5-24/2, 10-5-24/4, 10-5-24/6/A, 10-5-24/8, 10-5-24/8/A, 10-5-24, 10-5-24/3, 10-5-24/5, 10-5-24/5/A, 10-5-24/7, 10-5-24/7/A, situated at Ahmednagar, Hyderabad.

Counsel for the Petitioner:MS.S.VANI

Counsel for the Respondent Nos.1 to 3: MR.RAMA RAO GHANTA

The Court, at the stage of admission, made the following :

ORDER;

This writ petition is filed seeking a declaration that the alleged inaction on the part of the respondents 1 and 2 in taking statutory measures to remove the illegal and unauthorized structures in the apartments called as “garden towers” situated in Ahammed Nagar, Hyderabad is arbitrary and illegal.

When the matter is taken-up for consideration, learned Standing Counsel appearing for respondents 1 and 2 points out that on receipt of the representation made by the petitioner association, the Corporation has already issued notice to the third respondent on 28.02.2005 calling upon the third respondent to stop the construction work and to bring the construction in conformity with the sanctioned plan within one week. Learned Standing Counsel also states that they will take necessary action in accordance with law.

Accordingly, the writ petition is disposed of with a direction to respondents 1 and 2 to take necessary further steps in accordance with law. No costs.

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12.04.2005

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To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.
2 The Chief City Planner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.
3 The Managing Director, Hyderabad Developers Private
Limited, Opposite to Police Officers' Mess, Masab Tank,
Hyderabad.

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